

AMENDMENTS TO THE DRAWINGS

Applicants amend Figures 1 and 2 to include the label “Related Art”.

Attachment: Replacement Sheet(s)

REMARKS

Claims 1-27, all the claims pending in the application, have been rejected on prior art grounds.

Information Disclosure Statement

Applicants thank the Examiner for initialing and returning the SB/08 Form submitted with the Information Disclosure Statement (IDS) filed on January 26, 2006, thereby indicating that the references listed therein have been considered.

Drawings

The Examiner has objected to the drawings because Figures 1 and 2 do not include a label indicating that only that which is old is illustrated. Applicants hereby amend these Figures to add the label "Related Art". Withdrawal of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-27 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,918,012 to Astiz (hereinafter "Astiz"). Applicants submit that the claims are patentable and traverse the rejection for at least the following reasons.

Previously, Applicants argued that Astiz does not teach that the alleged received content (video data file) is not received through the alleged object-in-content information managing device 33, as required by claim 1. In contrast, Astiz discloses that the video data file is received by the browser 32 from the HTTP server 33 (col. 6, lines 39-41).

In response, the Examiner asserts that Astiz's invention is inherently capable of downloading the BTV data file from a different HTTP server from the HTTP server where the video content is stored, citing col. 6, lines 33-45. Applicants respectfully disagree.

The cited section of Astiz discloses that when the video data file (referred to as the BTV MIME file by the Examiner) is received by the browser 32 from the HTTP server 33, the browser 32 recognizes from the MIME that it needs to open the BTV viewer 31 and download the BTV data file to the viewer 31 for display. Because this section does not specify that the BTV data file is downloaded from the same HTTP server 33 that the video data file is received from, the Examiner contends that they are *inherently* downloaded from different HTTP servers.

However, "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). See MPEP §2112.IV (emphasis in original). Furthermore, to establish inherency, the extrinsic evidence must make clear the missing material is necessarily present in the reference. "Inherency, however, may not be established by probabilities or possibilities." (M.P.E.P. § 2112.IV at page 2100-57). Here, the Examiner improperly relies on the mere possibility that the BTV MIME file and the BTV data file are downloaded from separate servers.

Moreover, Astiz discloses that the video data file is received from the HTTP server 33 shown in Figure 3 (See col. 6, lines 5-11). Figure 3 also shows that the (x, y, t) data is sent to this HTTP server 33. Thus, Astiz does not teach or suggest that the received content (video data file) is not received through the alleged object-in-content information managing device 33 to which a request message is sent including the alleged basic content information ((x, y, t) data).

Based on the foregoing, Applicants submit that Astiz does not teach that the received content is not received through the alleged object-in-content information managing device (HTTP server 33), as required by claim 1. Thus, Applicants submit that claim 1 is not

anticipated by Astiz. Applicants further submit that claim 4 is patentable at least by virtue of its dependency on claim 1.

Regarding claim 2, the Examiner relies on an argument analogous to the argument asserted in conjunction with claim 1. Thus, Applicants submit that the Examiner's viewpoint is inaccurate at least for reasons analogous to those discussed above regarding claim 1 and respectfully request withdrawal of the rejection.

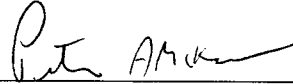
Because independent claims 7, 12, 15, 20, and 25 recite features analogous to those discussed above in conjunction with claim 1, Applicants submit that these claims are patentable at least for reasons analogous to those discussed above regarding claim 1. Applicants also submit that claims 3-6, 8-11, 13, 14, 16-19, 21-24, and 26-27 are patentable at least by virtue of their dependency on one of claims 1, 2, 7, 12, 15, 20, and 25.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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